

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BRUCE DE LA CRUZ,) Case No. EDCV 15-1428-JGB (JEM)
Plaintiff,)
v.) ORDER ACCEPTING FINDINGS AND
J. MICHAEL LEE, et al.,) RECOMMENDATIONS OF UNITED
Defendants.) STATES MAGISTRATE JUDGE

Pursuant to 28 U.S.C. Section 636, the Court has reviewed the pleadings, the records on file, and the Report and Recommendation of the United States Magistrate Judge. No Objections to the Report and Recommendation have been filed within the time allowed for Objections. The Court accepts the findings and recommendations of the Magistrate Judge.

IT IS ORDERED that Defendant's Motion to Dismiss the Complaint is granted as follows:

- (1) Plaintiff's claims for damages against Defendants in their official capacities are dismissed without leave to amend;
 - (2) Plaintiff's claims for injunctive relief are dismissed with leave to amend;

- (3) Plaintiff's Fourteenth Amendment deliberate indifference claims are dismissed without leave to amend;
 - (4) Plaintiff's Eighth Amendment deliberate indifference claims are dismissed with leave to amend; and
 - (5) Plaintiff is granted leave to file a First Amended Complaint consistent with this Order and the Magistrate Judge's Report and Recommendation. The First Amended Complaint is due within 30 days of the date of this Order.

DATED: April 28, 2017


JESUS G. BERNAL
UNITED STATES DISTRICT JUDGE